

REMARKS

Claims 1 – 28 and 30 - 42 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Liff et al. (Liff et al. – 2005/0065645 A1).

Specifically, the Examiner stated:

As can be seen, Liff discloses various method of receiving prescription data (figures 7 – 14), the step of generating list of generic drug and selecting a particular drug (figures 7 – 14, the discussions and description regarding figures 14E – 14H), and the step of automatically printing the generic drug information; and thus would embrace all limitations set forth in this claim.

It is respectfully submitted that the Examiner has misconstrued the teachings of Liff. More specifically, Liff fails to teach “automatically outputting dispensing information related to a selected medical item on said substitution reference list in response to the application of substitution rules in a database”.

“Substitution reference list” is discussed within paragraph 35 of the specification for the instant invention. Paragraph 35 states:

After receiving the prescription information and identifying the medical item, the server 12, for example, may apply one or more substitution rules to the prescription information to produce a substitution reference list. If an equivalent medical item is not permitted to be dispensed (e.g., the physician has issued a dispense as written order), the substitution reference list will identify only the requested (i.e., prescribed) medical item. If the substitution of an equivalent medical item is permitted, the substitution reference list may contain the requested medical item and one or more equivalent medical items that are within the integrated pharmacy system 10.

“Substitution rule” is discussed within paragraph 19 of the specification for the instant invention. Paragraph 19 states:

The substitution rules may be, as described more fully below, rules embodying knowledge about the dispensing system hardware configurations, product availability, expiration date, cost, profit potential, inventory management, and workflow efficiencies. Substitution rules may also embody pharmaceutical equivalencies as defined by the pharmacy or a regulatory agency.

In contrast, Liff merely discloses in response to selecting a drug, automatically generating a window showing the generic name, brand name, and NDC number of the drug available in the RCD unit, along with the quantity of doses in each bottle. More specifically as referenced by the Examiner, Liff

teaches that in “the drug window 323C, shown in Fig. 14D, the operator is prompted to select from a pop-down menu 505 of drugs available in the RCD units. When a drug is selected, the generic name, brand name, and NDC number of the drug available in the RCD unit automatically appears in the window, along with the quantity of doses in each bottle. ***At this time, the operator is afforded an opportunity to select a generic substitution 506, as opposed to a brand name drug.***” (Emphasis added). (See paragraph 0127).

It is respectfully submitted that automatically generating a window showing the generic name, brand name, and NDC number of the drug available in the RCD unit, along with the quantity of doses in each bottle differs from the creation and use of a substitution reference list as recited by the claimed invention. In Liff, the operator must select a generic substitution as opposed to a brand name drug. Accordingly, Liff fails to teach the application of substitution rules to dispense a selected medical item.

Claims 1, 4, 16, and 30 are independent claims. Claim 1 recites, “creating a substitution reference list” and “automatically outputting dispensing information related to a selected medical item on said substitution reference list in response to the application of substitution rules in a database.” As discussed above, Liff fails to teach “automatically outputting dispensing information related to a selected medical item on said substitution reference list in response to the application of substitution rules in a database”. Thus, it is believed that claim 1 is allowable over Liff. Accordingly, it is respectfully requested that the rejections of claim 1 pursuant to 35 U.S.C. §102(e) in view of Liff be withdrawn.

Claims 2 – 3 depend from allowable claim 1. Thus, for the same reasons discussed above in conjunction with claim 1, it is believed that claims 2 – 3 are allowable over Liff. Accordingly, it is respectfully requested that the rejections of claims 2 – 3 pursuant to 35 U.S.C. §102(e) in view of Liff be withdrawn.

Claim 4 recites “automatically applying substitution rules from a database to said received information” and “automatically outputting dispensing information related to a selected medical item based on the application of said substitution rules.” As discussed above, Liff fails to teach the use of substitution rules and/or outputting dispensing information based on the application of substitution rules. Thus, it is believed that claim 4 is allowable over Liff. Accordingly, it is respectfully requested that the rejections of claim 4 pursuant to 35 U.S.C. §102(e) in view of Liff be withdrawn.

Claims 5 – 15 depend from claims 1 and 4. Thus, for the same reasons discussed above in conjunction with claims 1 and 4, it is believed that claims 5 – 15 are allowable over Liff. Accordingly, it is respectfully requested that the rejections of claims 5 – 15 pursuant to 35 U.S.C. §102(e) in view of Liff be withdrawn.

Claim 16 recites, “automatically applying substitution rules from a database to said received information” and “automatically outputting stock location information based on the application of said substitution rules.” As discussed above, Liff fails to teach the use of substitution rules and/or outputting stock location information based on the application of substitution rules. Claim 16 further recites, “retrieving a stock bottle based on said stock location information” and “dispensing from said retrieved stock bottle.” It is respectfully submitted that Liff fails to teach retrieving and dispensing from a stock bottle. Thus, it is believed that claim 16 is allowable over Liff. Accordingly, it is respectfully requested that the rejections of claim 16 pursuant to 35 U.S.C. §102(e) in view of Liff be withdrawn.

Claims 17 – 28 depend from claim 16. Thus, for the same reasons discussed above in conjunction with claim 16, it is believed that claims 17 – 28 are allowable over Liff. Accordingly, it is respectfully requested that the rejections of claims 17 – 28 pursuant to 35 U.S.C. §102(e) in view of Liff be withdrawn.

Claim 30 recites, “automatically applying substitution rules from a database to said received information” and “automatically outputting information to an automated dispensing device based on the application of said substitution rules.” As discussed above, Liff fail to teach the use of substitution rules and/or outputting information based on the application of substitution rules. Claim 30 further recites, “automatically dispensing in response to said output information.” It is respectfully submitted that Liff fails to teach automatically dispensing in response to output information. Thus, it is believed that claim 30 is allowable over Liff. Accordingly, it is respectfully requested that the rejections of claim 30 pursuant to 35 U.S.C. §102(e) in view of Liff be withdrawn.

Claims 31 – 42 depend from claim 30. Thus, for the same reasons discussed above in conjunction with claim 30, it is believed that claims 31 – 42 are allowable over Liff. Accordingly, it is respectfully requested that the rejections of claims 31 – 42 pursuant to 35 U.S.C. §102(e) in view of Liff be withdrawn.

Claims 29 and 43 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

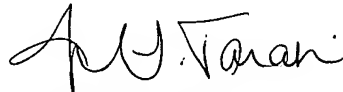
Claim 29 depends from claim 16. Thus for the same reasons discussed above in conjunction with claim 16, it is believed that claim 29 is allowable over Liff. Accordingly, it is respectfully requested that the objection to claim 29 be withdrawn.

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Claims 43 depends from claim 30. Thus, for the same reasons discussed above in conjunction with claim 30, it is believed that claim 43 is allowable over Liff. Accordingly, it is respectfully requested that the objection to claim 43 be withdrawn.

Applicants have made a diligent effort to place the claims in condition for allowance. Accordingly, a Notice of Allowance for claims 1 – 43 is respectfully requested. If the Examiner is of the opinion that the instant application is in condition for disposition other than through allowance, the Examiner is respectfully requested to contact applicants' attorney at the telephone number listed below so that additional changes may be discussed.

Respectfully submitted,



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